

**CHARTER TOWNSHIP OF CLINTON
REGULAR MEETING OF THE BOARD OF TRUSTEES
MONDAY, MARCH 9, 2009**

PRESENT:	WILLIAM SOWERBY	TREASURER
	ERNEST HORNUNG	TRUSTEE/ACTING CHAIR
	KEN PEARL	TRUSTEE
	DEAN REYNOLDS	TRUSTEE
	JENIFER WEST	TRUSTEE
ABSENT:	ROBERT J. CANNON	SUPERVISOR (EXCUSED)
	GEORGE FITZGERALD	CLERK (EXCUSED)

The Regular Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Board Chambers. Also in attendance was Jack Dolan, Township Attorney and Marge Rama, Deputy Clerk. The Pledge of Allegiance was recited.

Ms. Marge Rama announced that Mr. Cannon and Mr. Fitzgerald are not able to attend tonight's meeting and have requested to be excused.

Motion by Mr. Sowerby, supported by Mr. Pearl, to appoint Mr. Hornung as Acting Chairman for tonight's meeting. Roll Call: Ayes – Sowerby, Pearl, Reynolds, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

APPROVAL OF AGENDA

Ms. Rama requested the following deletions and indicated that the first was at the request of the Fire Chief, and the second was at the request of the petitioner:

Item #1 – Presentation of Citizen Commendation Awards – Department of Fire and Rescue

Item #7 – Special Land Use for “Sky Tower Ride” at Sports Entertainment Center and Revised Site Plan for C. J. Barrymore's

Ms. Rama noted that both of these items will be placed on the next Township Board agenda.

Ms. Rama replied that there are no additions to tonight's agenda.

Motion by Mr. Sowerby, supported by Ms. West, to approve the agenda with the deletions as requested. Roll Call: Ayes – Sowerby, West, Hornung, Pearl, Reynolds. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

**1. PRESENTATION OF CITIZEN COMMENDATION AWARDS –
DEPARTMENT OF FIRE & RESCUE**

This item was deleted from tonight's agenda.

**1A. PUBLIC HEARING – COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM & HOME PROGRAM 2009 PROGRAM YEAR**

Ms. Rama clarified that this is the public hearing that was scheduled in February, and it was published in the newspaper.

Ms. Mary Solomon, of Macomb County Community Services Agency (MCCSA), stated they are requesting \$22,000 from Community Development Block Grant (CDBG) funds to provide Senior Chore services, including lawn cutting and snow removal for low-income and severely handicapped individuals. She explained the demand for these services continues to grow, and they have mailed an additional 40 applications to interested seniors in Clinton Township. Based on this added demand, they have increased their request from last year. She informed that last year, they provided 1,387 units of service to 56 Clinton Township senior citizens at a cost of \$19,000. MCCSA is spending above normal levels due to record snowfall this winter, and she noted that their highest expenses come from April through June when they provide weekly lawn cuttings. Ms. Solomon added that they provide other services and this includes safety devices for the frail elderly. Ms. Solomon summarized that their quality of service for such a reasonable cost is one of the reasons they are hoping the Township Board will consider their request.

Mr. Bob Salzman, 51701 Mohican, Macomb, Michigan 48044, Acting President of the Macomb County District of St. Vincent de Paul, explained that they are requesting \$25,000 of CDBG funds for seven conferences. He explained that they are a Catholic organization but their service is “based on need, not creed”. They help residents in emergency situations. He outlined their expenditures, as shown on a handout he submitted to the Board. He added that they are seeing diminished donations and increased requests. They have had to turn down many of the requests because of lack of funds. Mr. Salzman felt some of this grant money is set aside for the purpose of helping low-income residents, and that is what they are requesting. He stressed that St. Vincent de Paul wants to “help the Township help their low-income residents” and urged them to consider this request.

Ms. Monique Hayes, Deputy Director for CARE, explained that their organization provides programs and services for substance abuse, treatment and support for the relatives. She explained three on-going programs they have, including parenting classes, adolescent anger management and “Teen Intervene”, which is a program for youth who have dealt with alcohol and substance abuse. Ms. Hayes stated they are requesting the Board to consider allocating \$1,000 of CDBG money for the purpose of providing low-income residents with scholarships to participate in these programs. She explained that

parenting classes cost each participant \$30, and the cost for a teen and one or two parents to attend Adolescent Anger Management or Teen Intervene is \$140. She assured these funds would go only toward the Clinton Township youths who will benefit from these programs, and she thanked the Board for considering their request. She replied to inquiry that they did not receive funding from the Township last year, although they received some funds from the County. She replied to further inquiry that they are seeking only \$1,000 because not all participants are low-income, and the funds they are seeking from CDBG are to provide scholarships to those who qualify as low-income.

Mr. Francis Marella, Chairman of CARE House, a child advocacy center, explained that the number of incidences has increased because in tough economic times, they tend to see an increase in the violence. Their contributions have also diminished by 33%. They have received \$1,000 of CDBG funds in the past but are requesting \$3,000 this year. He pointed out that they receive very little government funding but receive \$200,000 from Victims of Crime Act and \$10,000 from the County. He explained that the reason for the request for \$3,000 of CDBG funds is because it costs their organization \$550 per year to process a child who is sexually abused. They have come up with a team and they have one interview with the child, which reduces the number of interviews to which each child must be subjected, and thereby reduces the trauma to the child in not having to go over the incident over and over again. He added that, out of 100 cases that come before them, only about 5 of them will go to trial. He thanked the Board for support in the past and assured their organization would appreciate anything they can give, but he added they would like \$3,000.

Ms. Kathy Goodrich, of Macomb County Warming Shelter, 16604 Forest Avenue, Eastpointe, Michigan 48021, stated that they turn no one away, and they offer follow-up services, including day care and providing a mailing address so the guests can get jobs. They are now using a church, and they see people who are turned down by everyone else. They do not “breathalyze”, and see approximately 84 people per night, many of whom were never homeless before. They are asking for \$8,000 of CDBG funds to help fund their program. Ms. Goodrich pointed out that 137 of the guests in the last year gave their last address as somewhere in Clinton Township. She estimated that \$71,000 per year is the cost to service the homeless, and that does not include their administrative costs, only the “hands on” costs.

Ms. Nicki Green, P. O. Box 723, Mount Clemens, Michigan 48046, Case Manager for Turning Point, stated they are asking for \$3,000 of CDBG funds to house and care for abused women in the shelter. She indicated that last year, they served 67 women from Clinton Township. Their organization provides everything these women need, and even provide them with clothing vouchers. They provide them with three meals each day, and she advocates for housing for them. They provide legal services, and she cited one case where she took the client to the hospital for treatment because she was burned all over her body and could not care for her children. They received 14,000 calls last year, and she pointed out that when people lose jobs, domestic violence increases in the home. Ms.

Green stressed that they appreciate the Township Board's consideration of this request, and will be grateful for anything the Township can give.

Mr. Carlo Santia, Director, Department of Planning and Community Development, explained that they are receiving written requests in their office. They have not yet received their target amount this year, but they believe it will be higher than last year. He added that they may also get an additional \$140,000 as part of the stimulus program, but they have not yet been told how that can be spent so they do not know if it will be able to be used for public service programs. They are currently allowed to spend up to 15% of total CDBG funds for public service programs, and he added that they typically do this. Mr. Santia advised that if anyone has programs they want considered in these projects, the public hearing will remain open for ten days. At that time, the public hearing will be closed, the information will be tabulated and forwarded to the Township's Budget/Ways & Means Committee on March 30th. The recommendation of the Budget/Ways & Means Committee will come back to the Township Board for their final approval.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the comments and requests received to this point for the Community Development Block Grant Program & HOME Program for the 2009 Program Year. Roll Call: Ayes – Pearl, Reynolds, Hornung, West, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

2. PRESENTATION BY GRATIOT CRUISE COMMITTEE

Mr. Marco Lavinio thanked the Township Board for their participation and support of the Gratiot Cruise in past years, and added that it could not have been conducted without this support. He read a letter from the Rainbow Organization and presented a plaque to the Board on behalf of the organization. He also formally submitted a request to hold the 2009 Gratiot Cruise on August 2nd, 2009.

Mr. Sowerby inquired as to whether they will have the same arrangements as in the past, including the reimbursement to Township departments that are involved.

Mr. Lavinio assured the arrangements are exactly the same as last year, and it will be "status quo". He noted that these are difficult economic times, and they have been fortunate to have their sponsorships. He hoped they will continue to get better and better, and he stressed it is important for this area to celebrate the automobile more than ever because this area stands for the automotive industry.

Mr. Pearl thanked Mr. Lavinio and his committee for the fine job they have done and in making the event more successful each year. He felt it is great for the residents.

Mr. Lavinio acknowledged the committee members and thanked them for their support. He informed that they are currently taking applications from those who wish to volunteer to serve on this committee, and can obtain an application through Clinton Township's

website, or they can contact Ms. Mary Ann Hosey, Administrative Aide at the Township offices.

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated February 27, 2009 from the Gratiot Cruise Chairperson, and approve the request for the 2009 Gratiot Cruise to be held on Sunday, August 2nd, 2009. Roll Call: Ayes – Reynolds, Pearl, Hornung, West, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

3. ANNUAL REPORT – 2008 CLINTON TOWNSHIP BOARD OF APPEALS

Motion by Mr. Reynolds, supported by Mr. Pearl, to receive and file the 2008 Annual Report for the Clinton Township Board of Appeals, as presented. Roll Call: Ayes – Reynolds, Pearl, Hornung, West, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

4. PUBLIC HEARING ON NEW INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE: FREER TOOL & DIE, INC., 44675 MORLEY DRIVE – PERSONAL PROPERTY

Motion by Mr. Reynolds, supported by Ms. West, to receive and file the request from the owners of Freer Tool & Die, Inc., located at 44675 Morley Drive, and approve the application for a new Industrial Facilities Exemption Certificate for Personal Property, as requested. Roll Call: Ayes – Reynolds, West, Pearl, Hornung, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

5. PUBLIC HEARING ON TRANSFER OF INDUSTRIAL FACILITIES EXEMPTION FROM 21ST CENTURY GRAPHIC TECHNOLOGIES TO MACOMB PRINTING, INC. (PERSONAL & REAL PROPERTY CERTIFICATE #2008-132)

Motion by Mr. Pearl, supported by Ms. West, to receive and file the request from Macomb Printing, Inc., to approve the transfer of Industrial Facilities Exemption Certificate No. 2008-132 from 21st Century Graphic Technologies to Macomb Printing, Inc. for personal and real property, as requested. Roll Call: Ayes – Pearl, West, Reynolds, Hornung, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

6. REQUEST PERMISSION FOR OUTSIDE DISPLAY OF SEASONAL ITEMS: KROGER STORE #528 – 41941 GARFIELD

Mr. Don Canavesio, 41941 Garfield, Clinton Township, Michigan 48038, explained that they are seeking a permit to display seasonal items; however, he clarified they would like the dates for that permit to be from April 4th, 2009 through July 3rd, 2009.

Mr. Mike Gentry, Assistant Superintendent of the Building Department, replied to inquiry that his department has no objection as long as the entire display area does not extend further than five (5) feet from the front building line, and they maintain the sidewalk area, keeping it clear.

Mr. Canavesio stated he talked with the landlord, as well as the real estate representative from Kroger, and he informed that it is the owner's responsibility to take care of the sidewalks.

Mr. Westerman appreciated the follow up done by Mr. Canavesio on that issue.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated February 25, 2009 from Mr. Don Canavesio, Manager of Kroger Store #528, that permission be granted for outside display of seasonal items at 41941 Garfield from April 4th, 2009 through July 3rd, 2009. Roll Call: Ayes – Sowerby, West, Hornung, Pearl, Reynolds. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

7. SPECIAL LAND USE: 66-FOOT-HIGH "SKY TOWER" RIDE AT A SPORTS/ENTERTAINMENT CENTER IN THE B-2 COMMUNITY BUSINESS DISTRICT AND REVISED SITE PLAN FOR C. J. BARRYMORE'S – 25.55 ACRES FRONTING THE SOUTH LINE OF HALL ROAD, WEST OF ELIZABETH

This item was deleted from tonight's agenda.

8. SITE DEVELOPMENT APPROVAL FOR CHECKERS (FKA JOHNNY'S LUNCH; EINSTEIN BAGELS): 0.57 ACRE FRONTING THE EAST LINE OF GARFIELD, SOUTH OF CANAL

Mr. Mark Thomas, 16826 Kercheval Place, Grosse Pointe, Michigan 48230, explained that, due to the unfortunate condition of the current economy, Johnny's Lunch is not going forward with their development; however, they have a lease with Checkers. Checkers is willing to accept all of the conditions that were originally placed on Johnny's Lunch.

Mr. Dolan explained that a Conditional Rezoning Agreement was presented to the Township by the petitioner, Checkers. They are stating that the building envelope, landscape plan, driveway arrangement and window location are the same as was previously approved by the Board in their agreement with Johnny's Lunch. He advised that if the Board desires to approve this, they would need to approve the plan as presented and authorize the execution of the First Revision to the Conditional Rezoning Agreement.

Mr. Sowerby inquired as to whether Checkers is part of a chain.

Mr. Santia replied that Checkers is part of a chain, and Johnny's Lunch was also part of a chain.

Mr. Sowerby inquired as to whether this site will be able to handle the activity that a Checkers facility could generate.

Mr. Santia replied that, from the information he has received, it is basically the same. From an ordinance perspective, the building was constructed for fast food some years ago and was allowed to be constructed with the twenty parking spaces that exist, which is approximately 15 spaces less than what was required at that time. Adding the drive-thru window makes it more conducive, and he noted that they make the claim that they can "turn a customer over in 45 seconds". Mr. Santia felt that should be quick enough to get the customers through in an expedient manner.

Mr. Sowerby expressed concern about a drive-thru window on such a small site.

Mr. James Ram, representing Checkers, stated that most of their business is drive-thru, and they are known for their speed. He estimated that the average time to get a customer in and out at their locations is 30 seconds, so parking should not be a problem. He pointed out they have a limited menu, which helps them expedite orders quickly. He replied that they will have two windows, both of which are already on the plans.

Mr. Sowerby inquired as to whether they intend to keep the cross-access between the subject site and the McDonald's to the south.

Mr. Ram assured they are keeping the cross-access and will include directional signs, as was part of the agreement with Johnny's Lunch.

Discussion took place, and it was noted that Checkers acquired the former Rally's in 1999.

Mr. Ram replied to inquiry that the building is approximately 900 square feet.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated February 27, 2009 from the Planning Director and approve the site plan for Checkers, to be located on 0.57 acre of land fronting the east line of Garfield Road, south of Barbarosa Lane, as presented, and to execute the First Revision of the Conditional Rezoning Agreement for this site, as was originally approved by this Board on March 27, 2008 for Johnny's Lunch. Roll Call: Ayes – Pearl, Reynolds, Hornung, West, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

Mr. Ram replied to inquiry that they hope to open by the end of May 2009.

9. SPECIAL LAND USE: A DRIVE-THRU BANK IN THE B-2 COMMUNITY BUSINESS DISTRICT AND SITE PLAN FOR FIFTH-THIRD BANK @ REGIONAL SHOPPING CENTER: 1.2 ACRES FRONTING THE WEST LINE OF GRATIOT, NORTH OF 15 MILE ROAD

Mr. Dolan recommended that the Board make two separate motions, one for the Special Land Use request and one for the site plan.

Mr. Jeff Wagner, Vice-President of Corporate Real Estate for Fifth Third Bank, 1000 Town Center, Southfield, Michigan, explained that they are required to obtain Special Land Use approval because the ordinance requires that for any “check-cashing facility”. He assured, however, that this is a full-service bank, with over 100 branches in southeast Michigan. He noted that this will replace their current facility on Gratiot, north of Metropolitan Parkway, where they have been leasing for ten years. He commented that their lease expires this year, and they have opted to relocate to the proposed site.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated February 27, 2009 from the Planning Commission and approve the Special Land Use for a drive-thru bank in the B-2 Community Business District, to be located on 1.2 (part of 27.56) acres of land fronting the west line of Gratiot Avenue, north of 15 Mile Road, at the Regional Shopping Center. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

Motion by Ms. West, supported by Mr. Pearl, to approve the proposed site development plan for Fifth-Third Bank at Regional Shopping Center, as presented. Roll Call: Ayes – West, Pearl, Reynolds, Hornung, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

10. INTRODUCTION OF TOWNSHIP ORDINANCE #385: EDITING AND INCLUSION OF TOWNSHIP CODIFIED ORDINANCES

Motion by Mr. Hornung, supported by Ms. West, to introduce and publish for the first time, with the intent of adopting Ordinance #385: Editing and Inclusion of Township Codified Ordinances, at the next Township Board meeting on March 23, 2009. Roll Call: Ayes – Hornung, West, Sowerby, Pearl, Reynolds. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

11. CONFLICT WAIVER – FIRE DEPARTMENT

Mr. Dolan explained that, pursuant to state statute where an employee wants to perform work in the Township, there has to be a request made to the Township Supervisor to perform that work, and that request comes before the Board. At the first meeting, the request has to be presented to the Board and outlined at the meeting. It comes back to the next meeting for consideration of approval. Mr. Dolan explained that, in this particular case, a firefighter used to own Taylor-Made Doors. He sold the business to his brother so

the work could be done through that company without being in conflict. He is now in business for himself, working as Blue Dot Doors. The particular item was bid out and he was the low bidder, with the prices on the bids ranging from \$300 to \$500. He advised the Board that if they so desire, they can grant a waiver to allow Mr. VanOverbeke to perform the work as requested.

Fire Chief Shea replied to inquiry that they would like to be able to use him in the future as needed. They would like to be able to contract him for services as they did when he worked for his brother's company.

Mr. Hornung inquired as to whether he would be required to come back every time he wants to do work for the Township on behalf of Blue Dot Doors.

Mr. Dolan replied that the request was made for this particular item. If he is going to perform this work and use a "RFP", that is acceptable. If he came in for another type of work with a greater expenditure, he may have to come back to the Board for permission. He felt if it is subject to an RFP, that is sufficient.

Mr. Sowerby inquired as to whether they are using RFP's or quotes.

Chief Shea replied that when they had a request for service, they would call and have them come in to do the work. He indicated he would prefer to have him approved as a contractor and call on him as needed for service. He added that they periodically have problems with the doors, and it is helpful to have someone who can do the repairs.

Mr. Sowerby agreed that this is allowed, but he felt it should be approved on the condition that it is either bid out or quoted. He suggested that possibly it could be done on an annual basis to "keep it fair". He felt they should quote three to five companies.

Mr. Dolan stated that it is not always practical to obtain four or five quotes every time there is a problem with the door; however he agreed that the Board can place some controls on the approval as far as having prices checked periodically.

Motion by Mr. Sowerby, to receive and file the correspondence from the Fire Chief and approve a conflict waiver for Firefighter Patrick Van Overbeke for the work done in the department on behalf of his company, Blue Dot Door; further, this waiver is granted on the condition that a minimum of three written quotes for this type of repair work be obtained on an annual basis per the Township Bid Policy; further, to approve the contract labor and authorize Mr. VanOverbeke to do the work, as requested. Discussion ensued prior to the motion being supported.

Chief Shea replied to inquiry that the need for repairs come up sporadically and some are very minor. Up until Taylor Made Doors closed, it was very convenient for the Fire Department to call them up and have their support. He replied to inquiry that he would have to look in the annual budget to see what they are spending on door repairs.

Mr. Dolan suggested they can obtain “unit pricing”, especially if it is a common repair that is done frequently. They would need to ask for the hourly labor costs so they would have a way to compare one quote from another.

Chief Shea assured he submitted four different bids to Mr. Dolan’s office several weeks ago that cover the replacement of the overhead spring on the big door. He added that Blue Dot Door’s price was lower than the other three they obtained.

Mr. Sowerby suggested bringing this back to the next meeting so they can establish a formal process. He withdrew his motion on the floor.

Chief Shea replied that would be acceptable to him.

Emergency Management Coordinator Paul Brouwer, former Deputy Chief, verified that the doors break all the time and it is difficult to get the trucks in and out. They have always called whatever service provider they could use. He was confident that the Chief wants to get someone he can trust. He understood the Township’s concern but he suggested they obtain a quote on hourly rate, parts price plus restocking fees.

Motion by Mr. Sowerby, supported by Mr. Pearl, to refer to the next Board meeting a process for the Fire Department on bidding out for quotes for the maintenance of the doors at the fire stations. Roll Call: Ayes – Sowerby, Pearl, Reynolds, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated February 10, 2009 from Fire Chief Shea and approve the request for the conflict waiver for Firefighter VanOverbeke. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

12. RESOLUTION REGARDING ITC CORPORATION

Mr. Sowerby indicated that a meeting took place today with representatives from both ITC and the Township present. He felt it was an excellent meeting, and another meeting is scheduled for Friday, March 13th. He recommended postponing any action on this matter to the next Board meeting, and he added that ITC has agreed to suspend all operations of tree marking, placement of hang tags on doors, vegetation management field visits and trimming/removal of trees until after the March 23rd meeting.

Ms. Patricia Lange, 16251 Timberview Drive, Clinton Township, Michigan 48038, explained that she lives in Moravian Forest Subdivision and has legacy trees on her property. She inquired as to where ITC is proposing to remove the trees, and she expressed concern about wanting to make sure many of the large trees in her subdivision are able to remain.

Mr. Sowerby clarified that the only trees that will be affected are in the corridors of the high-voltage lines. He noted the general areas where these lines are located, and assured Ms. Lange that Moravian Forest will not be affected by this.

Ms. Hughes, 43333 Brooks Drive, Clinton Township, Michigan 48038, stated that she has ten beautiful Spruce trees in their rear yard, and the high-voltage tower is adjacent to their property. She explained they planted those trees to try to enclose their yard for privacy and ITC now has them marked to be removed. She added that they lost all of their hardwood trees not long ago due to the ash borer disease, and she does not want these to be removed as well. She had asked if they could top them off, but representatives from ITC informed her they will have to be removed and that she has no say over the matter.

Mr. Sowerby stressed that this is the reason for the Township's concern of the deforesting of the area. He explained that what Ms. Hughes is experiencing is occurring wherever there are high-voltage lines, and that is why this Resolution is being proposed. He hoped that ITC will be willing to look at how they used to top some of the coniferous trees. He noted that ITC is concerned about what caused the arcing from the power lines to the trees, and this is one of the items of discussion they have been having with ITC. He encouraged any interested residents to attend the next Township Board meeting, scheduled for Monday, March 23rd, where further discussion on this will take place.

Mr. George Franks, 43353 Brooks Drive, Clinton Township, Michigan 48038, neighbor of Ms. Hughes, explained he has large trees which afford him privacy because he has a swimming pool. He estimated that the tallest branch is at least 12 to 15 feet away from the lines, and that it would be a long time before that would be any risk to the wires. He would appreciate if they could top off the pine trees rather than remove them. He felt the attitude of ITC is "verging on arrogance" and that they should be "showing some good will".

Mr. Sowerby assured that the Township has clearly gotten the attention of ITC, and they had a good discussion today. He was hopeful that there will be a good possibility of some action that may come out of this that will alleviate some of their concerns and will meet some of the goals of the proposed Resolution. He once again encouraged others to attend the next meeting where there will be further discussion.

Mr. Reynolds inquired as to the height of the pine trees on Mr. Franks' property.

Mr. Franks estimated them to be about 15 to 18 feet in height.

Ms. Rama read the letter from ITC into the record.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter from ITC and postpone further discussion and/or action to the next Board Meeting, scheduled for

Monday, March 23rd, 2009. Roll Call: Ayes – Sowerby, West, Hornung, Pearl, Reynolds. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

13. DISCUSSION ON 2009-2010 BUDGET

Ms. Lauretti distributed an update to the Board members. She reviewed the updated figures and summarized some of the changes:

- Clerk II has been eliminated from DPW, for a savings of approximately \$71,000, so the adjusted budget surplus today is \$46,846.
- A vacancy for the receptionist/operator, if not filled, would save an additional \$52,300. This will be going to the Vacancy Review Committee, but if it is not filled, will bring the surplus up to \$99,146.
- In the 2010-2011 Projected Budget, there will be a deficit of \$355,000 so the Board should continue not filling positions until there are more revenues.
- The Police Fund has a projected deficit of \$1.4 million in the 2009-2010 budget.
- The Fire Fund expenditures exceed revenues by \$301,704. By not filling the two vacant positions, a \$200,000 savings would result. Since the time when the proposed budget was originally prepared for the Board, they have received notification that there are two employees retiring on March 31, 2009. Eliminating those two positions would result in an additional savings of \$169,000. One of those positions is an inspector and not replacing that one would save \$143,000 of the \$169,000. Not replacing the firefighter would only save \$26,000 for fringe benefits; the salary would not be saved because minimum manning would require the Township to replace that position with overtime reimbursement for existing employees.
- In 2010-2011, the Fire Fund deficit is anticipated to reach \$2.1 million, so the Board should continue not filling positions until there are more revenues.
- In 2002-2003, there were 138 full-time positions coming out of the General Fund. In 2009-2010, there are 119.67 positions, a reduction of nearly 19 positions, resulting in a savings of \$1.4 million. She added that if the Township had not been proactive when revenues started declining in 2002-2003, they would be looking at an additional \$1.4 million in expenditures now. She stressed that is the savings each year and is not a cumulative savings over the years.
- In 2002-2003, there were 149 positions coming out of the Police Fund. That has been reduced to 141 positions, a reduction of 8. This has resulted in an annual savings of \$800,000.
- In 2002-2003, there were 88 positions coming out of the Fire Fund, and that has increased to 95.
- The number of positions coming out of the Water Fund has remained the same.

Mr. Sowerby thanked Ms. Lauretti for the updated report. He inquired as to whether these reductions in staff include the reduction in 41B District Court.

Ms. Lauretti replied that between 2002-2003 and 2005-2006, there was a reduction of 10 positions in 41B District Court; however, she did not include these in her figures tonight because they are no longer in the Township's budget.

Mr. Russell Holtslander, 38015 St. Tropez, Clinton Township, Michigan 48038, pointed out that there are two current vacancies in the Fire Department, with the anticipation of an additional two vacancies. He inquired as to how many positions have been reduced in the Fire Department in the last two years if they do not fill these current and anticipated vacancies.

Fire Chief Shea replied they will be down 6 positions if the current vacancies and anticipated vacancies are not filled. He replied to further inquiry that 5 of these are firefighters and 1 is a support staff. He replied to still further inquiry that as they are reducing staff, they are starting to bump up to an exorbitant amount of overtime.

Mr. Holtslander felt that no one likes to have their taxes raised, but he felt it is important to be able to pay for firefighters, and they may need to look at this in the next year. He added that the Police Department has some of the same issues.

Mr. Sowerby explained that they want all seven members of the Board present to vote on the Budget, so he anticipated that they will be voting on it at the next meeting.

Ms. Lauretti stated that the next meeting of the Township Board is the absolute latest date at which the budget can be approved.

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the updated budget report, and refer action on the 2009-2010 Budget to the next Board Meeting, scheduled for Monday, March 23, 2009 at 6:30 p.m. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – None. Motion carried.

14. BID AWARD: FIRE SUPPRESSION SYSTEM SPRINKLER HEAD REPLACEMENT – HERITAGE ESTATES

Mr. Westerman explained that he was at the last meeting and there was indication on behalf of Mr. Carswell and the management company that they will participate in this cost.

Ms. Lauretti stated they are supposed to meet to determine who will be responsible for what portion. She stressed the work needs to be done so they are looking to award the bid so they can get started for safety reasons. They can continue to resolve the issue of who will pay the bill.

Mr. Westerman addressed Mr. Pearl's concerns regarding maintaining a working system throughout the renovations. He was assured by the low bidder that at the end of each day, the system will be functional.

Mr. Pearl felt it is important to include in the contract the stipulation that the system must be operational at the end of each day.

Mr. Westerman did not feel they will have a problem putting that in writing.

Mr. Pearl felt the management company has to take responsibility, and felt it is totally unacceptable to have a contractor do such sloppy work that he would ruin the fire compression system.

Motion by Mr. Pearl, supported by Mr. Reynolds, to receive and file the letter dated February 18, 2009 from the Finance Director and award the bid for the fire suppression system sprinkler head replacement at Heritage Estates to the low bidder, Systematic Fire Protection, Inc., in the amount of \$10,000; further, this approval is granted with the stipulation that the language be added to the contract that states “the system must be operational at the end of each day”. Roll Call: Ayes – Pearl, Reynolds, Hornung, West, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

Mr. Westerman felt it was Mr. Cannon’s intention to speak with the management company and negotiate the proper division of this cost.

Motion by Mr. Pearl, supported by Mr. Sowerby, to request that Mr. Cannon submit a report of this negotiation and who is responsible for the cost of these repairs to the Township Board in two weeks. Roll Call: Ayes – Pearl, Sowerby, West, Hornung, Reynolds. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

15. BID AWARD: SENIOR CITIZENS NEWSLETTER

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated February 17, 2009 from the Director and Assistant Director of the Senior Center, and award the bid for printing and typesetting of the Senior Citizen’s Department newsletter to the low bidder, Caldwell Printing, at a cost of \$3,180 per issue, to begin with the May/June 2009 edition. Roll Call: Ayes – Sowerby, West, Hornung, Pearl. Nays – None. Absent – Cannon, Fitzgerald, Reynolds. Motion carried.

16. BID AWARD: MAILING SERVICES – SENIOR CITIZENS NEWSLETTER

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated February 18, 2009 from the Director and Assistant Director of the Senior Center, and award the bid for the mailing of the Senior Citizen’s Department newsletter to the low bidder, Mass Mailing LLC, as outlined in the correspondence, to begin with the May/June 2009 edition. Roll Call: Ayes – West, Reynolds, Pearl, Hornung, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

17. REQUEST PLAN ACCESS BY REGISTERED INVESTMENT ADVISORS AND OTHERS – FIDELITY INVESTMENTS

Motion by Mr. Sowerby, supported by Mr. Reynolds, to receive and file the letter dated February 27, 2009 from the Assistant Finance Director and authorize a letter of direction to Fidelity Investments authorizing Fidelity to permit Registered Investment Advisors (RIA) access to the Plan and Participant accounts, as outlined in the correspondence. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

18. REQUEST TO ATTEND CONFERENCE: OFF-SITE EMPLOYEE GIS TRAINING

Ms. Bednar informed that the second class requested, to be held on April 1st through 3rd, has been canceled. She is currently working with ARC GIS to get it rescheduled, so she would like to withdraw her request for the second class at this time and bring it back at a later date.

Motion by Mr. Sowerby, supported by Ms. West, to receive and file the letter dated February 26, 2009 from the Township Engineer and approve Ms. Bernadette Battani to attend GIS training classes in East Lansing, scheduled for March 30-31, 2009, at an estimated cost of \$1,300.00, which has been budgeted. Roll Call: Ayes – Sowerby, West, Hornung, Pearl, Reynolds. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

19. REQUEST TO ATTEND CONFERENCE: “CENTER FOR POLICE MANAGEMENT & LEADERSHIP STUDIES”

Motion by Mr. Reynolds, supported by Mr. Pearl, to receive and file the letter dated February 26, 2009 from the Police Chief and approve Sergeant James Stachowski to attend the “Center for Police Management & Leadership Studies” hosted at the Macomb Community College-Clinton Township Police & Fire Training Facility, at a cost of \$1,200 which will be paid for with Act 302 state training funds. Roll Call: Ayes – Reynolds, Pearl, Hornung, West, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

20. REQUEST TO ATTEND CONFERENCE: GREAT LAKES HOMELAND SECURITY TRAINING

Motion by Ms. West, supported by Mr. Reynolds, to receive and file the letter dated February 25, 2009 from the Emergency Management Coordinator and approve his request to attend the Michigan State Police-Great Lakes Homeland Security Training Conference and Expo from May 4th through 7th, 2009 in Grand Rapids, with an estimated cost of \$915, with \$850 being reimbursed by grant funds through Macomb County. Roll

Call: Ayes – West, Reynolds, Pearl, Hornung, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

21. THIRD AMENDMENT TO GROUND LEASE AGREEMENT AND MEMORANDUM OF LEASE – AMERICAN TOWER CORPORATION

Mr. Dolan explained that they are renewing their lease but would like to extend their ground space, at an increased rent fee of \$600 per month, up from the previous \$397 per month. They have assured that it will not be inconvenient to have those antennas removed in the future if necessary.

Motion by Mr. Hornung, supported by Mr. Reynolds, to receive, file and concur with the letter dated March 3, 2009 from the Budget/Ways & Means Committee and approve the Third Amendment to Ground Lease & Memorandum of Lease from American Tower Corporation to extend their ground space at the fire station headquarters on Romeo Plank at the increased rent of \$600 per month, up from \$397, as outlined in the correspondence. Roll Call: Ayes – Hornung, Reynolds, Pearl, West, Sowerby. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

22. CABLE AGREEMENT AT HERITAGE ESTATES

Motion by Mr. Reynolds, supported by Ms. West, to receive, file and concur with the letter dated March 3, 2009 from the Budget/Ways & Means Committee and approve a Cable Service Agreement with Comcast for Heritage Estates, with a one-time per unit compensation of \$200 and a contract for an additional 15 years, as outlined in the correspondence. Roll Call: Ayes – Reynolds, West, Sowerby, Pearl, Hornung. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

APPROVAL OF MINUTES OF FEBRUARY 23, 2009 REGULAR TOWNSHIP BOARD MEETING

Motion by Mr. Sowerby, supported by Mr. Reynolds, to approve the minutes of the February 23, 2009 Regular Board Meeting, as presented. Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

APPROVAL OF BILLS

Motion by Mr. Sowerby, supported by Mr. Reynolds, to approve the bills as presented. Discussion ensued.

Mr. Pearl explained that he is still not satisfied with the direction of the reimbursement from AT&T, and before they take further legal action on this, he has scheduled a meeting with Mr. Peterson from AT&T to help schedule the reimbursement. He advised that this meeting will be held on Thursday, and indicated if anyone else is interested in attending,

they are welcome. He added that there will be a discussion but no obligation from either party made at that meeting. Any recommendations will come back before the Board.

Roll Call: Ayes – Sowerby, Reynolds, Pearl, Hornung, West. Nays – None. Absent – Cannon, Fitzgerald. Motion carried.

PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Motion by Mr. Reynolds, supported by Ms. West, to adjourn the meeting. Roll Call: Ayes – Reynolds, West, Sowerby, Hornung, Pearl. Nays – None. Absent – Cannon, Fitzgerald. Motion carried. The meeting adjourned at 8:24 p.m..

Respectfully submitted,

GEORGE FITZGERALD, CLERK
CHARTER TOWNSHIP OF CLINTON